

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

STEVEN JOSHUA DINKLE,)
Plaintiff,)
v.) Civil Action No. 2:18cv92-WHA
FCI FT. DIX, *et al.*,) [WO]
Defendants.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

On February 9, 2018, this court entered an order (Doc. 2) directing Plaintiff to submit by February 23, 2018 an inmate account statement reflecting the average monthly balance in his prison account and the average monthly deposits to his account for the six-month period immediately preceding the filing of his complaint.¹ In its order, the court specifically cautioned Plaintiff that his failure to comply with the order would result in a recommendation that the case be dismissed. Doc. 2 at 2.

The requisite time has passed, and Plaintiff has failed to submit his inmate account statement in compliance with this court's orders. The court therefore concludes that dismissal is appropriate. *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (holding that, as a general rule, where a litigant has been forewarned, dismissal for failure to obey a court order is not an abuse of discretion).

¹ Plaintiff is incarcerated at the Bibb Correctional Facility in Brent, Alabama.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be DISMISSED without prejudice for Plaintiff's failure to comply with the court's orders.

It is further ORDERED that the parties shall file any objections to this Recommendation or before **March 29, 2018**. A party must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge's findings and recommendations in accordance with the provisions of 28 U.S.C. § 636(b)(1) will bar a party from a *de novo* determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the District Court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11th Cir. R. 3-11; *see Stein v. Lanning Sec., Inc.*, 667 F.2d 33 (11th Cir. 1982).

DONE on the 15th day of March, 2018.



GRAY M. BORDEN
UNITED STATES MAGISTRATE JUDGE